IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 716 of 2004 (M/B)

Hazi Irsahd Ahmad S/o Late Mukhtiyar Ahmad,
R/o 4-B, Arah Ghar,
Dehradun, Uttaranchal. …… Petitioner

Versus

1. State of Uttaranchal,
through Secretary, Urban Development Department,
Govt. of Uttaranchal, Dehradun,
Uttaranchal.
2. Nagar Nigam,
Dehradun,
through its Mukhya Nagar Adhikari. …… Respondents

Mr. C.K. Sharma, Advocate for the petitioner.
Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondent No. 1.
Mr. Manav Sharma, Advocate on behalf of Mr. B.D. Upadhyaya, Advocate for respondent No. 2.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. C.K. Sharma, Advocate for the petitioner.

Mr. J.P. Joshi, Addl. Chief Standing Counsel for respondent No. 1.

Mr. Manav Sharma, Advocate on behalf of Mr. B.D. Upadhyaya, Advocate for respondent No.2.

They are heard on admission.

2. Petitioner Hazi Irshad Ahmad has filed this writ petition for the following reliefs:

> "(A) Issue any order or direction or writ in the nature of certiorari quashing the impugned bye-laws enhancing and prescribing the slaughter fee to Rs. 10.00 per animal.
>
> (B) Issue any order or direction or writ in the nature of mandamus commanding the respondents no. 1

and 2 not to enforce the bye-laws prescribing the slaughter fee at the rate of Rs. 10.00 per animal.

(C) Issue any other order or direction as the nature of the case may warrant and the hon'ble Court may deem fit and proper in the circumstances of the case.

(D) Issue an ad-interim order in favour of the petitioners.

(E) Award the cost of the case to the petitioner"

3. The matter relates to the enhancement of fee for slaughter of animals by Nagar Nigam Dehradun vide its resolution dated 16.10.2003.

4. The second respondent Nagar Nigam, Dehradun has filed its counter affidavit. The said resolution has been filed along with the counter affidavit as Annexure No. CA1. From the said resolution, it is apparent that the "Meat Sellers Union" participated in the meeting, which culminated in the passing of the said resolution. It is further evident that the Nagar Nigam proposed to enhance the fee from Rs. 1.00 to Rs. 20.00. It was only after discussion between the office bearers of the Union and the officers of the Nagar Nigam that the Union agreed to the enhancement of fee from Rs. 1.00 to Rs. 10.00 per animal.

5. Much was tried to be made out of the fact that the notice about the proposed enhancement in the fee was not published in the official gazette. From the counter affidavit, we gather that the notice about the enhancement of the fee was very much published in the daily newspaper *Dainik Jagran.* As such, we are satisfied that the Nagar Nigam has substantially complied with the provisions in that behalf by publishing the notice in a daily newspaper. In fact, the general public may not have the same access to the gazette notification, which they have to a publication in a daily newspaper.

6. Mr. C.K. Sharma, the learned counsel for the petitioner could not demonstrate as to how the increase in the fee from Rs. 1.00 to Rs. 10.00 is unjustified. It is brought to our notice that fee of Rs. 1.00 was

fixed in 1976 and fee was enhanced after a period of more than 25 years. It is a matter of common knowledge that during these 25 years, the establishment cost has gone up manifold.

7. For the foregoing reasons, the writ petition is liable to be dismissed and is, hereby, dismissed summarily.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
16.06.2006 16.06.2006

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